

## REMARKS

Examination of the instant patent application in view of the above amendments is respectfully requested. Claims 1-70 remain pending. Claims 1-20 are rejected. Claims 1, 10 and 17 are amended herein. New Claims 21-70 are added herein. No new matter has been added.

### 35 U.S.C. §103(a)

Claims 1, 3-7, 10, 11 and 13-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent 5,511,980 by Wood, hereinafter referred to as the "Wood" reference, in view of United States Patent 5,533,902 by Miller, hereinafter referred to as the "Miller" reference. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 1, 3-7, 10, 11 and 13-16 are patentable over the combination of Wood in view of Miller for the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

An interactive educational toy apparatus comprising:  
    (a) an indicium containing structure including an indicium and a first attachment element; and  
    (b) a base unit capable of being attached to a vertical surface, wherein the base unit includes  
        (i) a housing,  
        (ii) a receiving region adapted to receive the indicium containing structure,  
        (iii) a processor unit in the housing,  
        (iv) a speaker coupled to the processor unit,

(v) a reader coupled to the processor unit, and  
(vi) a second attachment element coupled to the housing,  
wherein the indicium containing structure is capable of being  
attached to the base unit using the first attachment element and the  
base unit is capable of being attached to the vertical surface using the  
second attachment element and wherein the reader is capable of  
identifying the indicium containing structure in response to the receiving  
region having received the indicium containing structure.

Independent Claim 10 recites similar limitations. Claims 3-7 that depend from independent Claim 1 and Claims 11 and 13-16 that depend from independent Claim 10 provide further recitations of the features of the present invention.

Wood and the claimed invention are very different. Applicants understand Wood to teach a talking phonics interactive learning device in which the device is not able to identify indicia bearing units using a reader. Wood teaches a talking book that receives and identifies one of a number of cards having cutouts for receiving indicia bearing units placed in the talking book. In particular, indicia bearing units are not identified. Rather, the cards are identified, and pushbutton keys aligned with the cutouts are associated with different sounds.

With reference to Figure 1 of Wood, talking book 10 is shown. Talking book 10 is configured to receive and identify card 34 having at least one cutout 35 (col. 4, lines 38-39). The cutouts 35 overlie pushbutton keys 24. Depending on the identity of card 34, different sounds are assigned to pushbutton keys 24 such that interaction with a key 24 provides a particular sound (col. 5, lines 3-53). In particular, Applicants respectfully assert that Wood does not teach, describe or suggest a reader for

identifying an indicium containing structure, as claimed. Moreover, by teaching a device for identifying a card and assigning sounds to the pushbutton keys based on the identity of the card, Wood teaches away from such a configuration.

In contrast, the claimed embodiments are directed toward an interactive educational toy apparatus including a base including a reader “wherein the reader is capable of identifying the indicium containing structure in response to the receiving region having received the indicium containing structure” (emphasis added). As described in the present specification, with reference to Figure 1, base unit 16 includes a window 16(a) that defines a receiving region for an indicium containing structure. In particular, the indiciu containing structures are uniquely identifiable by a reader of the base unit 16.

Moreover, the combination of Wood and Miller fails to teach or suggest the claimed invention, because Miller does not overcome the shortcomings of Wood. Miller, alone or in combination with Wood, does not show or suggest the claim embodiments. Applicants understand Miller to teach a pocket panel educational tool for placing cards in pockets. In particular, Miller does not teach, describe or suggest an interactive educational toy apparatus including a base including a reader “wherein the reader is capable of identifying the indicium containing structure in response to the receiving region having received the indicium containing structure,” as claimed. Moreover, Miller is silent as to the identification of the cards.

Therefore, in view of the claim embodiments not being shown or suggested in either Wood or Miller, in combination with the above arguments, Applicants respectfully submit that independent Claims 1 and 10 overcome the rejection under 35 U.S.C. § 103(a) and are therefore allowable over the combination of Wood and Miller. Applicants respectfully submit that the combination of Wood and Miller also does not teach or suggest the additional claimed features of the present invention as recited in Claims 3-7 that depend from independent Claim 1 and Claims 11 and 13-16 that depend from independent Claim 10. Therefore, Applicants respectfully submit that Claims 3-7, 11 and 13-16 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

Claims 2, 12 and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wood in view of Miller, further in view of United States Patent 6,190,175 by Pridgen, hereinafter referred to as the "Pridgen" reference. Claim 2 is dependent on independent Claim 1 and Claim 12 is dependent on independent Claim 10. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 2, 12 and 17-20 are patentable over the combination of Wood in view of Miller, further in view of Pridgen, for the following rationale.

As described above, Wood and the claimed invention are very different. Applicants understand Wood to teach a talking phonics interactive learning device in which the device is not able to identify indicia bearing units using a reader. In

particular, Applicants respectfully assert that Wood does not teach, describe or suggest a reader for identifying an indicium containing structure, as claimed. Moreover, by teaching a device for identifying a card and assigning sounds to the pushbutton keys based on the identity of the card, Wood teaches away from such a configuration.

Moreover, the combination of Wood and Miller fails to teach or suggest the claimed invention, because Miller does not overcome the shortcomings of Wood. Miller, alone or in combination with Wood, does not show or suggest the claim embodiments. Applicants understand Miller to teach a pocket panel educational tool for placing cards in pockets. In particular, Miller does not teach, describe or suggest an interactive educational toy apparatus including a base including a reader “wherein the reader is capable of identifying the indicium containing structure in response to the receiving region having received the indicium containing structure,” as claimed, as Miller is silent as to the identification of the cards.

Furthermore, the combination of Wood, Miller and Pridgen fails to teach or suggest the claimed invention, because Pridgen does not overcome the shortcomings of Wood and Miller. Pridgen, alone or in combination with Wood and Miller, does not show or suggest the claim embodiments. Applicants understand Pridgen to teach a vocabulary teaching device. The vocabulary teaching device of Pridgen allows a user to record the name of an object and to play back the recording by using a switch of teaching device. In particular, Pridgen does not teach, describe

or suggest an interactive educational toy apparatus including a base including a reader “wherein the reader is capable of identifying the indicium containing structure in response to the receiving region having received the indicium containing structure,” as claimed. Moreover, by teaching that the device is specifically associated with a single object, Pridgen teaches away from the claimed configuration.

Therefore, in view of the claim embodiments not being shown or suggested in either Wood, Miller or Pridgen, in combination with the above arguments, Applicants respectfully submit that independent Claims 1, 10 and 17 overcome the rejection under 35 U.S.C. § 103(a) and are therefore allowable over the combination of Wood in view of Miller, further in view of Pridgen. Applicants respectfully submit that the combination of Wood in view of Miller, further in view of Pridgen, also does not teach or suggest the additional claimed features of the present invention as recited in Claim 2 that depends from independent Claim 1, Claim 12 that depends from independent Claim 10, and Claims 18-20 that depend from independent Claim 17. Therefore, Applicants respectfully submit that Claims 2, 12 and 18-20 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

Claims 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wood in view of Miller, further in view of United States Patent 4,968,255 by Lee et al., hereinafter referred to as the “Lee” reference. Claims 8 and 9 are dependent on independent Claim 1. Applicants have reviewed the cited references and respectfully

submit that the embodiments of the present invention as recited in Claims 8 and 9 are patentable over the combination of Wood in view of Miller, further in view of Lee, for the following rationale.

As described above, Wood and the claimed invention are very different. Applicants understand Wood to teach a talking phonics interactive learning device in which the device is not able to identify indicia bearing units using a reader. In particular, Applicants respectfully assert that Wood does not teach, describe or suggest a reader for identifying an indicium containing structure, as claimed. Moreover, by teaching a device for identifying a card and assigning sounds to the pushbutton keys based on the identity of the card, Wood teaches away from such a configuration.

Moreover, the combination of Wood and Miller fails to teach or suggest the claimed invention, because Miller does not overcome the shortcomings of Wood. Miller, alone or in combination with Wood, does not show or suggest the claim embodiments. Applicants understand Miller to teach a pocket panel educational tool for placing cards in pockets. In particular, Miller does not teach, describe or suggest an interactive educational toy apparatus including a base including a reader "wherein the reader is capable of identifying the indicium containing structure in response to the receiving region having received the indicium containing structure," as claimed, as Miller is silent as to the identification of the cards.

Furthermore, the combination of Wood, Miller and Lee fails to teach or suggest the claimed invention, because Lee does not overcome the shortcomings of Wood and Miller. Lee, alone or in combination with Wood and Miller, does not show or suggest the claim embodiments. Applicants understand Lee to teach an electronic instructional apparatus that uses input surfaces of an answer block to provide responses to questions. In particular, Applicants respectfully assert that the teachings of Lee and the teachings of Wood take different, mutually exclusive paths, to receive information for providing output sounds. As described above, Wood does not identify a particular indicia bearing unit, but rather identifies a card and associates different sounds with pushbuttons located under the card. As Wood does not teach, describe or suggest the identification of an indicia bearing unit, there is no motivation to combine its teachings with the teachings of Lee. Moreover, by teaching a device for identifying a card and assigning sounds to the pushbutton keys based on the identity of the card, Wood teaches away from a combination with Lee.

Therefore, in view of the claim embodiments not being shown or suggested in either Wood, Miller or Lee, in combination with the above arguments, Applicants respectfully submit that independent Claim 1 overcomes the rejection under 35 U.S.C. § 103(a) and is therefore allowable over the combination of Wood in view of Miller, further in view of Lee. Applicants respectfully submit that the combination of Wood in view of Miller, further in view of Lee, also does not teach or suggest the additional claimed features of the present invention as recited in Claims 8 and 9 that depend from independent Claim 1. Therefore, Applicants respectfully submit that Claims 8



and 9 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

### CONCLUSION

Based on the amendments presented above, Applicants respectfully assert that Claims 1-20 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims. Furthermore, based on the amendments presented above, Applicants respectfully solicit allowance of new Claims 21-70.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application. Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,  
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